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2176



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harold W. Milton, Jr.
Appl. No. : 09/273,021
Filed : March 19, 1999
Title : SYSTEM FOR FACILITATING THE PREPARATION OF A
PATENT APPLICATION

Grp./A.U. : 2176
Examiner : Stephen S. Hong

Docket No. : MILT.777

BRIEF ON APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant submits the following arguments in support of this appeal in response to the Final Rejection set forth in the Official Action dated **July 8, 2004**.

(1) Real Party in Interest

This application has not been assigned by the inventor.

(2) Related Appeals and Interferences

NONE

(3) Status of Claims

Claims **1, 3, 10, and 19-20** are on appeal and are attached hereto in the appendix.

(4) Status of Amendments

All amendments have been entered and are reflected in the claims in the Appendix.

Attorney No.: Milt.777

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11/30/2004 HALI11 00000012 09273021
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(5) **Summary of Claimed Subject Matter**

(A) **Claim 1**

A method of preparing a patent application with a computer (page 8, lines 14-15) comprises the steps of storing a document template in a computer program which contains headings equivalent to the headings (page 8, lines 16-17) suggested by the USPTO in a patent application with page breaks stored immediately before the “CLAIMS” (page 8, lines 18-19) heading in the computer program and immediately before the “ABSTRACT OF THE DISCLOSURE” (page 8, lines 20-21) heading in the computer program. The method also includes storing a footer in the computer program for displaying the attorney file identification on every page of the application (page 9, lines 1-3).

An important step of the method is the storing of a duplicate set of all of the claims (page 10, lines 13-22) that have been drafted (page 9, lines 10-21) by the user in the computer program, and creating the description by retrieving (page 10, lines 14-22) the duplicate set of claims under the heading equivalent to the “DESCRIPTION OF THE PREFERRED EMBODIMENT” while searching for and replacing each occurrence of the word “said” with the word “the” in the duplicate set of claims (page 10, lines 18-20) copied into the specification. The duplicate set of claims copied into the specification are then edited (page 10, lines 21-22) into grammatically correct sentence structure including adding verbs while assigning reference numerals for the first time by the steps of storing the element names of the elements in the order recited in the duplicate set of claims (page 11, lines 8-9), storing successive numbers beginning with a number above the highest

Figure number to identify the respective element names (page 11, lines 10-11), and searching for each occurrence of each respective element name in the order of occurrence in the duplicate set of claims (page 11, lines 14-16), replacing each respective element name with that respective element name followed by successive ones of said numbers to provide identifying reference numerals for the element names in the order of occurrence in the duplicate set of claims (page 11, lines 16-19) and automatically shifting the reference numerals in response to changing the order of occurrence in the duplicate set of claims (page 7, lines 18-20: page 11, lines 19-22).

(B) Claim 3

Claim 3 is dependent upon claim 1 and adds steps of storing a duplicate of the independent claim in the computer program, retrieving the duplicate independent claim under the heading equivalent to the “SUMMARY OF THE INVENTION AND ADVANTAGES”, and editing this duplicate independent claim whereby the summary of the invention is commensurate in scope to the independent claim (page 10, lines 1-12).

(C) Claim 10

Claim 10 is dependent upon claim 1 and adds the step of storing each reference numeral recited in the claims and in the abstract within parenthesis “()”, searching and replacing each such reference number in the claims and in the abstract with the corresponding stored reference number within parentheses “()” (page 13, lines 6-11).

(D) Claim 19

Claim 19 is independent and combines the limitations of Claims 1, 3 and 10 and adds the steps of storing Figure and terminal paragraphs, adding reference numerals to the drawings and building abstract sentences (page 5, lines 11-20).

(E) Claim 20

Claim 20 is independent and recites a computer program comprising a template containing the patent application headings (page 4, lines 12-20), page breaks (page 5, lines 1-7), footer (page 5, lines 7-10) and specific Figure and terminal paragraphs (page 5, lines 11-20) to perform the steps of claim 19. In addition, claim 20 recites claim processors for duplicating the claims into the description and summary (page 6, line 4-page 6, line 2), reference numeral and Figure number memories (page 7, lines 3-5) and a reference number processor for assigning numbers to elements in order of recitation in the description and shifting the reference numbers when the order of recitation of the elements is changed (page 7, lines 5-20). The program also includes an abstract processor (page 7, lines 21-23) and parenthesis processor (page 8, lines 7-10) for performing the steps recited in claim 19.

(6) Grounds of Rejection to be reviewed on Appeal

Claims 1, 3, 10, 19 and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Takano et al. (US 6,434,580-B1) in view of Nehab (US 6,029,182), Simpson (Mastering WordPerfect 5.1 & 5.2 for Windows™), and Manual of Patent

Examining Procedure, 7th edition, published July 1998, herein known as MPEP.

(7) **Argument**

(A) Claims 1, 3, 10, 19 and 20

It is important to remember that the subject invention involves a specific computer program for performing a method of preparing a patent application. The novelty is not dependent upon using known headings or what is known to be presented under those headings. The invention resides in the novel steps of building a patent application, novel steps the examiner admits are NOT found in the prior art.

Rejections based on 35 U.S.C. § 103 must rest on a factual basis. *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177-78 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968), *reh'g denied*, 390 U.S. 1000 (1968). In making such a rejection, the examiner has the initial duty of supplying the requisite factual basis and may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. *Id.* In the present case, the examiner has advanced undue speculation, rather than objective evidence, as to the scope and content of what is purported to be common knowledge in the art. The examiner's unsupported assertions in this regard do not constitute evidence. *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1435 (Fed. Cir. 2002). In short, the appealed rejection is unsound because the only evidence offered in support thereof, the Takano reference, does not contain any teaching or suggestion which would have motivated one of ordinary skill in the art to modify the processing of the inventor draft patent

application disclosed therein so as to arrive at the specific processing to build a patent application as claimed herein.

The first violation of this law in rejecting the claims is the recitation of creating the description by retrieving the duplicate set of claims under the description heading while searching for and replacing each occurrence of the word “said” with the word “the” in the duplicate set of claims. Nowhere in the references is there a suggestion to exactly duplicate the claims into the description while editing “said” to –the--. The examiner merely states that it would be obvious “since the substance of the claimed invention was (and still is) required to have antecedent basis in the specification.” The step is more specific than just providing an antecedent basis for the claims, it is precisely how to do it. Duplicate the claims and replace “said” with –the- is not suggested. Yet the examiner merely states that “One of ordinary skill in the art would have been motivated to do this because a patent application should have the format and proper grammar as specified by MPEP.” One should always be driven to use proper grammar, but that does not teach the specific step of duplicating the claims in the description while replacing "said" with - - the- -.

The next violation in the rejection is admitted by the examiner in stating that “Takano does not expressly disclose the first and second element names, searching for their respective occurrences, and selecting the numbers identifying the reference numerals and reference element names; . . .” The limitation recited is searching for each occurrence of each respective element name in the order of occurrence in the duplicate set of claims and replacing each respective element name with that respective element

name followed by successive ones of said numbers to provide identifying reference numerals for the element names in the order of occurrence in the duplicate set of claims. In other words, when an element is assigned a reference number, every subsequent recitation of that element is replaced with the element name plus that reference number. Yet the examiner resorts “to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis” and holds that “it would have been obvious to a person of ordinary skill in the art to store the reference numbers and match them up with their respective element names in view of Takano’s disclosure.” No disclosure, no suggestion, yet it is obvious? The assignment of reference numbers in order of element occurrence and the attachment of that reference number to all remaining occurrences of the element is not remotely suggested by the references and is not addressed by the examiner.

The claims on appeal are very specific by reciting storing successive numbers beginning with a number above the highest Figure number to identify the respective element names, yet the examiner does not address the limitation of keeping the reference numbers above the highest Figure number.

The claims also recite the important novel feature of automatically shifting the reference numerals in response to changing the order of occurrence in the duplicate set of claims. The examiner admits that neither Takano nor MPEP teach automatically shifting the reference numerals but holds “since Takano provided the technical features for automatic document creating, and a person of ordinary skill would

have appreciated the 'automatization' of the reference numbering process.” It is a big jump from automatic document drafting to automatically shifting reference numbers in response to a shift in the order in which the elements are first recited. The references do not contain one scintilla of suggestion for this step.

(B) Claims 3, 19 and 20

In addition to the above arguments, claims 3, 19 and 20 recite the steps of storing a duplicate of the independent claim in the computer program, retrieving the duplicate independent claim under the heading equivalent to the “SUMMARY OF THE INVENTION AND ADVANTAGES”, and editing this duplicate independent claim whereby the summary of the invention is commensurate in scope to the independent claim. To this limitation the examiner states: “Takano further discloses verifying all parts of the disclosure in his Summary.” That is simply not responsive to the claimed step of copying the independent claim into the summary of the invention so that the summary of the invention is commensurate in scope to the independent claim, i.e., exactly of the same scope.

(C) Claims 10, 19 and 20

In addition to the above arguments for these claims, claims 10, 19 and 20 recite the steps of storing each reference numeral recited in the claims and in the abstract within parenthesis “()”, and searching and replacing each such reference number in the claims and in the abstract with the corresponding stored reference number within parentheses “().” The examiner holds that since the use of such parenthesis in the

claims and abstract is suggested in the MPEP, "if the template is for a patent application one would want the layout to coincide with the patent laws as much as possible." The limitation is not to merely adding the parentheses but for a program to automatically do it as the reference numbers are assigned and changed.

(8) Summary

The following recitations in the claims are admittedly not suggested in Takano or any of the other references:

1. Storing a duplicate set of claims. . . and creating a description by retrieving the duplicate set of claims under the "DESCRIPTION"
2. Searching for and replacing "said" with - -the- -in the description.
3. Storing element names . . . and searching for each element name in order of first occurrence and assigning successive reference numbers to the element names throughout the description beginning above the highest figure number.
4. Automatically shifting the reference numbers in response to a change in order of first occurrence in the description.
5. Alternative phrasing of the clauses of the duplicate set of claims in the description.
6. Copying the broadest claim into the summary.
7. Selecting and storing ABSTRACT sentences.

The steps applicant has developed produces the most efficient method of identifying, distinctly claiming and thereafter composing a patent application. Just because the finished product is known or nearly known, does not mean that a specific combination of steps to produce that product are obvious. To the contrary, there is not one suggestion of the steps set forth above in paragraphs 1-7, let alone a suggestion to

combine them. In other words, the Examiner admits the limitations set forth above in paragraphs 1-7 are not found in the prior art and absent a suggestion of same, these limitations can not simply be deemed "obvious".

The standards by which the claims in this application are to be judged are set forth in the MPEP:

2143.03 All Claim Limitations Must Be Taught or Suggested [R-1]

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837, F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The examiner has not met this requirement.

The reversal of the rejections is respectfully solicited.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.



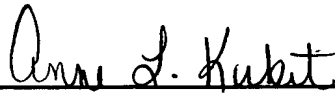
Harold W. Milton, Jr., Registration No. 22,180

The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(248) 723-0352

November 23, 2004
Date

CERTIFICATE OF MAILING

I hereby certify that this **Amendment** for U.S. Serial No.: 09/273,021 filed March 19, 1999 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **November 23, 2004**.



Anne L. Kubit

(9) Appendix

1. A method of preparing a patent application with a computer comprising the steps of:

storing a document template in a computer program which contains headings equivalent to:

“BACKGROUND OF THE INVENTION

1) Field of the Invention

2) Description of the Prior Art

SUMMARY OF THE INVENTION AND ADVANTAGES

BRIEF DESCRIPTION OF THE DRAWINGS

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

CLAIMS

ABSTRACT OF THE DISCLOSURE”;

storing a page break immediately before the “CLAIMS” heading in the computer program;

storing a page break immediately before the “ABSTRACT OF THE DISCLOSURE” heading in the computer program;

storing a footer in the computer program for displaying the attorney file identification on every page of the application;

composing by a user an independent claim in the computer program ending in a clause beginning with the words “characterized by” and reciting and isolating the

patentable novelty and preceded by at least one clause reciting prior art elements to the extent necessary to support and provide antecedent basis for the “characterized by” clause;

composing by a user claims in the computer program ultimately dependent upon the independent claim for successively more specifically defining the patentable novelty; and

characterized by storing a duplicate set of all of the claims in the computer program, and creating the description by retrieving the duplicate set of claims under the heading “DESCRIPTION OF THE PREFERRED EMBODIMENT”, searching for each occurrence of the word “said” in the duplicate set of claims copied into the specification, programming the computer program to replace the word “said” with the word “the” in the duplicate set of claims copied into the specification, and editing the duplicate set of claims copied into the specification into grammatically correct sentence structure including adding verbs, and assigning reference numerals for the first time by the steps of storing the element names of the elements in the order recited in the duplicate set of claims, storing successive numbers beginning with a number above the highest Figure number to identify the respective element names, and searching for each occurrence of each respective element name in the order of occurrence in the duplicate set of claims, replacing each respective element name with that respective element name followed by successive ones of said numbers to provide identifying reference numerals for the element names in the order of occurrence in the duplicate set of claims and automatically shifting the reference numerals in response to changing the order of occurrence in the duplicate set of claims.

Claim 2 (Canceled)

3. The method as set forth in claim 1 including the steps of storing a duplicate of the independent claim in the computer program, retrieving the duplicate independent claim under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES", and editing the duplicate independent claim copied under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES" into grammatically correct sentence structure including changing "said" to "the" and adding verbs without adding further description whereby the "SUMMARY OF THE INVENTION AND ADVANTAGES" is commensurate in scope to the independent claim.

Claims 4 - 9 (Canceled)

10. The method as set forth in claim 1 including the step of storing each reference numeral recited in the "CLAIMS" and in the "ABSTRACT OF THE DISCLOSURE" within parenthesis "()", searching and replacing each such reference number in the "CLAIMS" and in the "ABSTRACT OF THE DISCLOSURE" with the corresponding stored reference number within parentheses "()".

Claims 11 - 18 (Canceled)

19. A method of preparing a patent application with a computer characterized by performing the following steps:

storing a document template in a computer program which contains headings equivalent to,

“BACKGROUND OF THE INVENTION

1) Field of the Invention

2) Description of the Prior Art

SUMMARY OF THE INVENTION AND ADVANTAGES

BRIEF DESCRIPTION OF THE DRAWINGS

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

CLAIMS

ABSTRACT OF THE DISCLOSURE”;

storing a page break in the computer program immediately before the “CLAIMS” heading;

storing a page break in the computer program immediately before the heading

“ABSTRACT OF THE DISCLOSURE”;

storing a footer in the computer program for displaying the attorney file identification on every page of the application;

storing a Figure paragraph in the computer program immediately after

the heading "BRIEF DESCRIPTION OF THE DRAWINGS";

storing a terminal paragraph in the computer program stating it is to be understood that reference numerals in the claims are merely for convenience and are not to be in any way limiting immediately before the page break before the heading "CLAIMS";

composing by a user an independent claim in the computer program beginning with the words "characterized by" and ending in a clause reciting and isolating the patentable novelty and preceded by at least one clause reciting prior art elements only to the extent necessary to support and provide antecedent basis for the recitations in the "characterized by" clause;

composing by a user claims in the computer program ultimately dependent upon the independent claim for successively more specifically defining the patentable novelty;

storing a duplicate of the independent claim in the computer program,

retrieving the stored independent claim under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES", and editing the duplicate independent claim copied under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES" into grammatically correct sentence structure including changing the word "said" to "the" and adding verbs without adding further description whereby the

Appln. No.: 09/273,021
Amdt. Dated: September 30, 2003
Reply to Office Action of July 2, 2003

“SUMMARY OF THE INVENTION AND ADVANTAGES” is commensurate in scope to the independent claim;

storing a duplicate set of all of the claims in the computer program, and creating the description by retrieving the duplicate set of claims under the heading “DESCRIPTION OF THE PREFERRED EMBODIMENT”;

searching for each occurrence of the word “said” in the duplicate set of claims copied into the specification, programming the computer program to replace the word “said” with the word “the” in the duplicate set of claims copied into the specification, and editing the duplicate set of claims copied into the specification into grammatically correct sentence structure including adding verbs;

storing the element names in the computer program of the elements in the order recited in the duplicate set of claims, storing in the computer program successive even numbers beginning with a number above the highest Figure number to identify the respective element names, and searching in the computer program for each occurrence of each respective element name in the order of occurrence in the duplicate set of claims and replacing each respective element name with that respective element name followed by successive ones of the even numbers to provide for the first time identifying reference numerals for the element names in the order of occurrence in the duplicate set of claims and automatically shifting the reference numerals in response to changing the order of occurrence in the duplicate set of claims;

adding each reference numeral to every showing of the element in the drawings;

selecting and storing in the computer program abstract sentences including reference numbers from under the heading "DESCRIPTION OF THE PREFERRED EMBODIMENT" which most succinctly and specifically describe the elements shown in the drawings with a description of the elements in the "characterized by" clause commensurate with the specificity recited in dependent claims, and retrieving the abstract sentences under the heading "ABSTRACT OF THE DISCLOSURE";

storing in the computer program each reference numeral recited in the "CLAIMS" and in the "ABSTRACT OF THE DISCLOSURE" within parenthesis "()", searching in the computer program and replacing each such reference numeral in the "CLAIMS" and in the "ABSTRACT OF THE DISCLOSURE" with the corresponding stored reference number within parentheses "()".

20. A computer program and a computer comprising:
a template memory containing a document template containing headings equivalent to,

"BACKGROUND OF THE INVENTION

- 1) Field of the Invention
- 2) Description of the Prior Art

SUMMARY OF THE INVENTION AND ADVANTAGES

BRIEF DESCRIPTION OF THE DRAWINGS

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

CLAIMS

ABSTRACT OF THE DISCLOSURE”; and

a page break immediately before said heading “CLAIMS” in the computer program; and

a page break separating said heading “ABSTRACT OF THE DISCLOSURE” from the remainder of said headings in the computer program; and

a footer for displaying the attorney file identification in the margin of every page of the application; and

the text,

“Other advantages of the present invention will be readily appreciated as the same becomes better understood by reference to the following detailed description when considered in connection with the accompanying drawings wherein:

Figure 1 is ;

Figure 2 is ;

Figure 3 is ;

Figure 4 is ; and

Figure 5 is .”

immediately after the heading “BRIEF DESCRIPTION OF THE DRAWINGS”;

the text,

“The invention has been described in an illustrative manner, and it is to be understood that the terminology which has been used is intended to be in the nature of words of description rather than of limitation.

Obviously, many modifications and variations of the present invention are possible in light of the above teachings. It is, therefore, to be understood that within the scope of the appended claims, wherein reference numerals are merely for convenience and are not to be in any way limiting, the invention may be practiced otherwise than as specifically described.”

before said page break preceding the heading “CLAIMS”;

and characterized by an independent claim processor for duplicating and storing an independent claim under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES” and for editing the duplicated independent claim copied under

Appln. No.: 09/273,021
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the heading "SUMMARY OF THE INVENTION AND ADVANTAGES" into grammatically correct sentence structure including changing "said" to "the" and adding verbs whereby the recitation under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES" is commensurate in scope to said independent claim;

a multiple claim processor for duplicating and storing all of the claims under said heading "DESCRIPTION OF THE PREFERRED EMBODIMENT" for creating the description and for searching and replacing each occurrence of the word "said" in said duplicate set of claims copied under the heading "DESCRIPTION OF THE PREFERRED EMBODIMENT" with the word "the", and for editing said duplicate set of claims into grammatically correct sentence structure;

a reference number memory for storing successive even numbers beginning with the number ten;

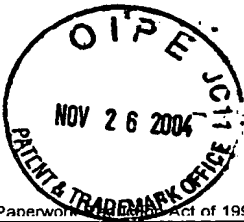
a Figure number memory for receiving and storing the highest Figure number used to identify Figures of the drawings;

a reference number processor responsive to said Figure number memory for storing the element names of the elements in the order recited in said duplicate set of claims and for searching and replacing each occurrence of each respective element name in the order of occurrence in said duplicate set of claims with said respective element name followed by successive ones of said even numbers beginning with the first number ending in zero following the highest Figure number to provide for the first time

Appln. No.: 09/273,021
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identifying reference numerals for said element names in the order of occurrence in said duplicate set of claims and automatically shifting the reference numerals in response to changing the order of occurrence in the duplicate set of claims;

an abstract processor for selecting and storing abstract sentences including said reference numerals from under said heading "DESCRIPTION OF THE PREFERRED EMBODIMENT" and duplicating said abstract sentences under said heading "ABSTRACT OF THE DISCLOSURE"; and
a parenthesis processor for automatically enclosing each reference numeral within parentheses in said claims and in said "ABSTRACT OF THE DISCLOSURE".



PTO/SB/17 (11-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 10/01/2004. Patent fees are subject to annual revision.

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 170.00

Complete if Known

Application Number	09/273,021
Filing Date	March 19, 1999
First Named Inventor	Harold W. Milton, Jr.
Examiner Name	Stephen S. Hong
Art Unit	2176
Attorney Docket No.	MILT.777

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order☒ Deposit Account ☐ NoneDeposit
Account
Number
Deposit
Account
Name

08-2789

Howard & Howard Attnys.

The Director is hereby authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below
- ☐ Charge fee(s) indicated below, **except for the filing fee**
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING FEE**

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
Utility Filing Fee	790	395	
Design Filing Fee	350	175	
Plant Filing Fee	550	275	
Reissue Filing Fee	790	395	
Provisional Filing Fee	160	80	
Subtotal (1) \$	0		

FEE CALCULATION (continued)**2. EXTRA CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20	18	9
Each independent claim over 3	88	44
Multiple dependent claims	300	150
For Reissues, each claim over 20 and more than in the original patent	18	9
For Reissues, each independent claim more than in the original patent	88	44

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	
HP = highest number of total claims paid for, if greater than 20			

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	
HP = highest number of independent claims paid for, if greater than 3			

Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)

Subtotal (2) \$ -0-**3. OTHER FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
1-month extension of time	110	55	
2-month extension of time	430	215	
3-month extension of time	980	490	
4-month extension of time	1,530	765	
5-month extension of time	2,080	1,040	
Information disclosure stmt. fee	180	180	
37 CFR 1.17(q) processing fee	50	50	
Non-English specification	130	130	
Notice of Appeal	340	170	
Filing a brief in support of appeal	340	170	170.00
Request for oral hearing	300	150	
Other:			

Subtotal (3) \$ 170.00**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	22,180	Telephone	248 723-0352
Name (Print/Type)	Harold W. Milton, Jr.			Date	Nov. 23, 2004

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAILSTOP: APPEAL BRIEF - PATENTS

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Docket No. : MILT.777

TRANSMITTAL OF APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

MAILSTOP: APPEAL BRIEF - PATENTS

Dear Sir:

Applicant submits the attached Appeal Brief in response to the Official Action dated July 8, 2004. A check in the amount of \$170.00 is attached to cover the required fee for submitting this Appeal Brief. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2789. A duplicate copy of this letter is enclosed herewith.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

November 23, 2004
Date

Harold W. Milton, Registration No. 22,180
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Bloomfield Hills, MI 48304-5151
(248) 723-0352

HWM/alk

MAILSTOP: APPEAL BRIEF - PATENTS

CERTIFICATE OF MAILING

I hereby certify that the attached Appeal Brief for application serial number **09/273,021** filed **March 19, 1999** is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the **Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450** on this **November 23, 2004**.



Anne L. Kubit
Anne L. Kubit